



S/N 10/765,309

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	NISHII et al.	Examiner:	Unknown
Serial No.:	10/765,309	Group Art Unit:	2872
Filed:	January 27, 2004	Docket No.:	10873.1394US01
Title:	OPTICAL ELEMENT, OPTICAL CIRCUIT PROVIDED WITH THE OPTICAL ELEMENT, AND METHOD FOR PRODUCING THE OPTICAL ELEMENT		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 407260045 US  
Date of Deposit: August 16, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop MISSING PARTS, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: David Ortiz

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Mail Stop MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

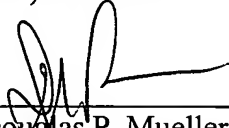
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Dated: August 16, 2004

By:   
\_\_\_\_\_  
Douglas P. Mueller  
Reg. No. 30,300

DPM/jh



FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

10873.1394US01

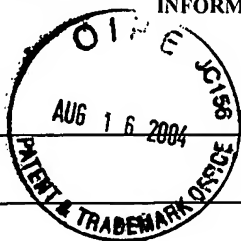
Application Number:

10/765,309

Applicant: NISHII et al.

Filing Date: January 27, 2004

Group Art Unit: Unknown



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		S. Janz, et al., "TuK2(Planar waveguide echelle gratings: an embeddable diffractive element for photonic integrated circuits)", Proceedings of OFC 2002, March, 2002, pp. 69-70
		Christopher N. Morgan, et al., "Compact Integrated Silica Wavelength Filters", IEEE Photonics Technology letters, vol. 14, no. 9, September, 2002, pp. 1303-1305.
		Susumu Noda, et al., "Full Three-Dimensional Photonic Bandgap Crystals at Near-Infrared Wavelengths", SCIENCE, vol. 289, July 2000, pp. 604-606
		J. Koyama, et al. "Optical Wave Electronics", CORONA PUBLISHING CO., LTD., Tokyo, 1978, Chapter 4, pp. 98-101 and 132 (with partial translation)

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PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.